

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CROSS RIVER BANK,

Plaintiff,

v.

3 BEA'S ASSISTED LIVING LLC, a
Maryland Limited Liability Company, a/k/a
THREE BEA'S ASSISTED LIVING,
CONNIE STEWART, and
DAVID STEWART JR.

Defendants.

Case No. 8:21-cv-03210-TJS

AFFIDAVIT OF COUNSEL

JONATHAN J. LERNER, does hereby depose and state as follows:

1. I am a member of the law firm of Starr, Gern, Davison & Rubin, P.C., counsel for plaintiff Cross River Bank ("Cross River"). This affidavit is submitted in support of Cross River's motion for summary judgment.

2. Attached as **Exhibit 1** is a copy of the Amended Complaint filed on January 27, 2022.

3. Attached as **Exhibit 2** is a copy of the defendants' Answer to Amended Complaint filed on February 23, 2022.

4. Attached as **Exhibit 3** is a redacted copy of defendant Connie Stewart's and 3 Bea's Assisted Living LLC's Answers to Cross River Bank's Interrogatories dated August 2, 2022.¹

5. On or about March 29, 2022, this firm served a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action ("Subpoena") upon

¹ Fed. R. Civ. P. 5.2 requires certain redactions. Additionally, in certain instances, redactions above and beyond those which are required by the Rule are being applied. This footnote applies to all the redactions throughout the exhibits.

Bank of America seeking bank records pertaining to the Cross River funds which are the subject of this litigation. Attached as part of **Exhibit 4** is a copy of the Subpoena.

6. Attached additionally as part of **Exhibit 4** are copies of the relevant bank records received from Bank of America in response to the Subpoena we served on behalf of Cross River Bank.

7. Attached as **Exhibit 5** is a copy of a redacted Deed for a property purchased by defendant Connie Stewart located in Brandywine, Maryland dated September 25, 2020 and related, redacted purchase documents.

8. Attached as **Exhibit 6** is a copy of a redacted December 4, 2020 Grant Deed and a copy of a redacted No Consideration Deed Affidavit.

9. Attached as **Exhibit 7** is a copy of a redacted August 30, 2021 Grant Deed and a copy of a redacted No Consideration Deed Affidavit.

10. Attached as **Exhibit 8** is a copy of a redacted Diane's Plea, Cure Cancer Foundation Inc. Entity Status Report.

11. Attached as **Exhibit 9** are copies of additional bank records received from Bank of America in response to the Subpoena.

12. Attached as **Exhibit 10** is a copy of a redacted 3 Bea's Incorporated Entity Status Report and Formation Document.

I hereby verify and affirm under the penalty of perjury, that the information contained in this affidavit is true and correct to the best of my knowledge, information and belief.


JONATHAN J. LERNER

Sworn and Subscribed to before me
this 11th day of November, 2022



LENORA CROGIER
A Notary Public of New Jersey
My Commission Expires August 1, 2025